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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,417	12/24/2001	Denis J. Stemmler	F-428	2989
919 7590 03/15/2007 PITNEY BOWES INC. 35 WATERVIEW DRIVE P.O. BOX 3000 MSC 26-22 SHELTON, CT 06484-8000			EXAMINER MILLER, WILLIAM L	
			ART UNIT	PAPER NUMBER
			3677	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/15/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/683,417

Applicant(s)

STEMMLE, DENIS J.

Examiner

William L. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26,27,34,35 and 37-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26,27,34,35 and 37-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment received on 11/30/2006 has been entered. Claims 26, 27, 34, 35, and 37-42 are pending.

Claim Rejections - 35 USC § 112

2. Claims 38, 39, and 42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

3. The original disclosure does not support the new limitation of the divider material being at least partially transparent to UV radiation, and thus this limitation constitutes new matter.

Page 12, paragraph [0063], of the original specification states,

“The mailbox interior has dividers 440 that allow the UV C energy to bathe the surfaces of each mail piece placed in each of the slots created by dividers 440. Divider bottom 442 is at least partially transparent to UV and allows UV C energy to bathe the bottom surfaces of the mail pieces.”

This passage is silent with respect to the material of the divider. The above statement of the divider bottom being at least partially transparent to UV does not translate into the divider material being at least partially transparent to UV. For example, perhaps the divider bottom is perforated (or includes openings or slots) such that the divider bottom is at least partially transparent to UV and allows UV C energy to bathe the bottom surfaces of the mail pieces.

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4. Claims 38 and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. In claims 38 and 39, line 2, the phrase “the divider material” lacks antecedent basis.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 26 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb (US#2004/0020978) in view of Lee (US#4673914).

8. Regarding claims 26 and 34, Webb discloses a mailbox 10 for decontaminating mail (or a decontaminating device including a decontamination chamber) comprising: a door 12 for allowing access to the interior of the mailbox; a decontamination system (UV source) 20 operatively connected to a controller 30 for decontaminating mail; and at least one divider 28 for separating mail; and a push button start switch 34 used to send a decontamination start signal to the decontamination system.

9. Webb discloses a push button start switch as opposed to a keyed start switch receiving a physical key as claimed by the applicant. However, a push button start switch and a keyed start switch receiving a physical key are known equivalent starting switch structures as evidenced by Lee (col. 2, lines 15-17). Therefore, as Lee discloses these elements as art recognized equivalents, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to modify Webb by substituting one (push button start switch) for the other (keyed start switch). In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982). The key used in conjunction with keyed start switch taught by Lee, when applied to Webb, would be capable of being carried by a mail carrier.

10. Claims 27, 37, 40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb in view of Lee, as applied above to claim 26, and further in view of Stradley et al. (US#6997374).

11. Regarding claims 27, 37, and 40, although Webb discloses a communications device, namely lamps 40,42,44, for providing status information to a user at the mailbox, Webb fails to disclose a communications device for providing status information to a remote user (such as inside a home) via a wireless network communications channel. However, Stradley discloses a mail apparatus which includes both a visual status display 51 for a user at the apparatus and a wireless network communication channel 108 (col. 6, lines 1-21) providing status information to a remote user (such as inside a home). Therefore, as taught by Stradley, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Webb by including a communications device for providing status information to a remote user (such as inside a home) via a wireless network communications channel thereby enhancing the operating efficiency of the mailbox.

12. Regarding claims 40 and 41, the wireless network communication channel which relays information to a remote use is capable of providing indications that mail has arrived and that

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sanitization is underway. The two indicators of mail arrival and active sanitization are not being positively claimed.

13. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webb in view of Lee, as applied above to claim 26, and further in view of Cunningham (US#6646270).

14. Regarding claim 35, Webb fails to disclose reflective shielding as claimed. Cunningham discloses a mailbox 130 wherein its inner surfaces are coated with a reflective coating (shielding) to prevent UV radiation from escaping and to enhance sterilization (col. 2, lines 54-58). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Webb by including a reflective coating (shielding) on the inner surfaces of the mailbox to prevent UV radiation from escaping and to enhance sterilization.

Allowable Subject Matter

15. It is noted claims 38, 39, and 42 have not been rejected per the prior art of record, however each of these claims include new matter, namely the divider material being at least partially transparent to UV, and are thus not allowable.

Response to Arguments

16. Regarding claims 26 and 34, and in response to applicant's argument that Lee and Webb are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Webb is analogous art and in the field of applicant's endeavor, namely a decontamination

mailbox. Lee is analogous art and reasonably pertinent to the particular problem with which the applicant was concerned, namely a start switch. Webb's start switch is a push button switch as opposed to a keyed switch requiring a key. Lee, as previously discussed, provides evidence of push button start switches and keyed start switches being well known art recognized equivalents start switches. The applicant's secondary argument of Lee requiring a code prior to using the push button switch is irrelevant as activation results immediately after pushing the push button or inserting and turning a key.

17. Regarding claims 38, 39 and new claim 42, the applicant argues Webb fails to disclose the divider material being at least partially transparent to UV radiation. The examiner agrees, however this feature represents new matter and is not supported by the original disclosure as previously discussed.

18. Regarding claims 27 and 37, the applicant argues the provisional applications related to Stradley do not appear to support the cited means 108. While the specific means 108 may not be supported by the related provisional applications, a quick glance of Fig. 1 of related provisional application 60/334,239 clearly shows a remote monitoring system 28 receiving wireless signals to receive and monitor status information.

19. Regarding claim 35, the applicant provides no specific arguments regarding Cunningham other than intent to provide evidence of earlier conception.

Conclusion

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is (571) 272-7068. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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William L. Miller
Primary Examiner
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WLM

A handwritten signature in black ink, appearing to be 'WLM', written in a cursive style.